

Bill No. 2-05
Concerning: Boards, Committees, and
Commissions - General Provisions
Revised: 9-19-05 Draft No. 5
Introduced: February 1, 2005
Expires: August 1, 2006
Enacted: September 27, 2005
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Praisner and Leventhal

AN ACT to:

- (1) allow certain members of boards, committees, and commissions who are compensated for their service to be reimbursed for certain expenses;
- [[(2) enact standards for creating and continuing boards, committees, and commissions;]]
- [[(3) require certain boards, committees, and commissions to be terminated by operation of law without further legislative action;]]
- [[(4)]] (2) revise the standards and process for appointing and removing members of boards, committees, and commissions; and
- [[(5)]] (3) generally amend the laws governing County boards, committees, and commissions.

By amending

Montgomery County Code
Chapter 2, Administration
Sections 2-145 through 2-148

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 2-145 through 2-148 are amended as follows:**

2 **2-145. Compensation; reimbursement.**

3 * * *

- 4 (c) [If] Whether or not a committee member is [not] compensated for
5 serving on the committee, the member may request reimbursement for
6 travel and dependent care. The rate of reimbursement is established in
7 an appropriation.

8 * * *

9 **2-146. Terms of committees.**

- 10 (a) [The law, resolution or executive order establishing or continuing any
11 committee should specify the term of the committee's existence. If no
12 term is specified, then the committee continues until terminated. The
13 County Executive should monitor the expiration date of those
14 committees that the County Executive appoints. The County Council
15 should monitor the expiration date of those committees that the County
16 Council appoints.] The law, resolution or executive order establishing
17 or continuing any committee should specify the term of the committee's
18 existence. If no term is specified, then the committee continues until
19 terminated. The County Executive should monitor the expiration date
20 of those committees that the County Executive appoints. The County
21 Council should monitor the expiration date of those committees that the
22 County Council appoints. [[Any committee not required by State or
23 Federal law is automatically terminated 5 years after the date the
24 committee was established by law, unless:
25 (1) its enabling law provides otherwise;

(2) the appointing authority terminates the committee because the committee has:

(A) completed its task, or

(B) not achieved the purpose for which the committee was created; or

(3) the appointing authority continues the committee for another 5 year term.]]

[[b) When establishing or continuing a committee, the appointing authority must:

(1) explain why the committee is needed;

(2) explain why government staff or another existing committee cannot perform the functions of the proposed committee; and

(3) if an existing committee would be continued, describe the major activities the committee has engaged in and how those activities have furthered the committee's goals.]]

[[c) If a new committee would be created, the appointing authority must specify:

(A) the objectives and scope of the proposed committee;

(B) to whom the committee will report;

(C) the County agency responsible for staff support;

(D) the specific duties of the committee

(E) the estimated annual costs in both dollars and man-hours required to operate the committee;

(F) the estimated frequency of meetings; and

(G) a membership plan designed to ensure adequate, balanced representation.]]

[[d)] (b) Any new committee should have from 5 to 15 voting members.

53 ~~[(b)]~~ ~~[[e)]~~ (c) The County Executive must appoint and convene at least every
 54 10 years, subject to confirmation by the Council, a citizens review
 55 committee comprised of no fewer than 11 members. ~~[which]~~ This
 56 committee must review the committee system and each then-existing
 57 committee and report to the Executive and Council its recommendations
 58 for changes in individual committees and the committee system as a
 59 whole. The County Executive must designate the review committee's
 60 chair and vice-chair.

61 **2-147. Committee reports; by-laws.**

62 (a) The law or resolution establishing a committee should specify the dates
 63 when reports are due from the committee and the subjects to be included
 64 in the reports. Each committee must submit a written report, at least
 65 annually, to the Executive and Council containing a description of the
 66 committee's functions, activities, accomplishments, plans and
 67 objectives, including recommendations for changes in committee
 68 functions.

69 (b) The Chief Administrative Officer may prescribe a format to be followed
 70 by committees in ~~[making a]~~ their annual report.

71 (c) The Chief Administrative Officer may adopt binding guidelines,
 72 consistent with law, for the organizational structure and internal
 73 procedures of committees in the Executive branch of County
 74 government.

75 (d) When any committee in the Executive branch adopts by-laws or any
 76 other form of internal procedures, the Chief Administrative Officer must
 77 send a copy to the Council.

78 **2-148. Appointments and removals [for absenteeism].**

79 (a) Appointments.

(1) In making appointments to committees, the appointing authority should consider the following criteria: interest, diversity of background and professions, relevant experience and expertise, and geographic balance. To promote broad participation, no individual should ordinarily serve more than 2 consecutive full terms or serve on more than ~~[[2 committees]]~~ one committee at any one time. However, an individual may serve on more than one committee at the same time if the law that created a committee requires or allows a member of that committee to be selected from members of another County committee.

(2) Any individual who has served 2 full terms on a committee is not eligible to serve on the same committee [[for 3 years]] until one year has elapsed. The appointing authority may waive this restriction if:

(A) no other qualified applicant is available; or

(B) other unique circumstances justify the reappointment of the particular individual.

[(b)] ~~[[2]]~~ (3) Unless another term is established by the law, resolution, or executive order creating the committee, the standard term for each appointment is 3 years, after any initial staggered term.

(4) A member must not continue to serve on a committee after the member's term has expired, and a successor has not been appointed and confirmed, for more than 6 months unless:

(A) another law expressly authorizes the member to serve longer; or

(B) the Executive has notified the Council why the member will continue to serve on the committee.

[(c)] (b) Removal for absenteeism.

- (1) [Unless the law provides another method to remove members, a member of a committee who is absent from 25 percent or more of the schedule meetings or hearings during any 6 month period has resigned from the committee.] A member of a committee who misses more scheduled meetings or hearings than the number of allowed absences, computed by the following table, or who misses 3 consecutive scheduled meetings, is automatically removed. [Scheduled meetings or hearings mean meetings or hearings] Scheduled meeting or hearing means any meeting or hearing for which at least 7 days advance notice was given and which was held as scheduled.

<u>Number of Meetings Held in One Year</u>	<u>Allowed Absences</u>
<u>1-4</u>	<u>1</u>
<u>5-8</u>	<u>2</u>
<u>9-12</u>	<u>3</u>
<u>13-16</u>	<u>4</u>
<u>17+</u>	<u>5</u>

- (2) [Resignation] An automatic removal under this subsection takes effect 30 days after the presiding officer notifies the appointing authority. The presiding officer of the committee must promptly notify the appointing authority of any member who has [resigned through absence] been automatically removed and must explain any known extenuating circumstances. The presiding officer

should send a copy of the notice to each member of the committee.

(3) The appointing authority, on request of the affected member, may waive the [resignation] removal for illness, emergency or other good cause. The appointing authority must notify the member whether a waiver has been granted.

(4) If a waiver has not been granted, the appointing authority must appoint a successor to complete the unexpired term, subject to Council confirmation if the original appointment was subject to Council confirmation.

(c) Other causes for removal.

(1) The appointing authority may remove a committee member for:

(A) neglect of duty;

(B) misconduct in office;

(C) a [[disability that renders the member unable]] member's inability to perform the duties of the office;

(D) conduct that impairs a member from performing the duties of the office; or

(E) violation of law.

(2) [[When a majority of a committee so requests, the appointing authority may remove a member for any reason stated in paragraph (1).]]

[[(3)]] Before a member is removed, the appointing authority must:

(A) notify the member in writing of the reason for removal;
and

(B) give the member an opportunity to [[be heard]] submit reasons why the member should not be removed.

153 (3) If any other provision of law requires the Council's approval
 154 before a member is removed, that provision applies to a removal
 155 under this Section.

156 (4) If Council approval is not required before a member is removed,
 157 the appointing authority must notify the Council before the
 158 removal takes effect.

159 *Approved:*

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Thomas A. Perez, President, County Council	Date
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162 *Approved:*

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Douglas M. Duncan, County Executive	Date
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165 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council	Date
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